



**US Army Corps
of Engineers**®
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: March 3, 2009

Comment Period Ends: April 2, 2009

File Number: NAE-2008-02872

In Reply Refer To: Richard C. Kristoff, Jr.

Or by e-mail: Richard.C.Kristoff@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

**Town of Dartmouth Department of Public Works
759 Russells Mills Road
South Dartmouth, Massachusetts 02748**

ACTIVITY

The Town of Dartmouth has discharged fill material into salt marsh for the purpose of constructing the Apponagansett Bay Sewer Project. This project provides a sewer service to 24 homes which many had either failing or substandard private septic systems. Due to the number of failing or substandard septic systems Apponagansett Bay was exposed to a major nitrogen overloading problem and high bacteria levels. The work included installing 130 feet of 10 inch PVC through a salt marsh in Apponagansett Bay. The work also included placement of 1 manhole and ¾" stone bedding around the PVC pipe in salt marsh. The total salt marsh disturbance is 10 linear feet or 1,360 square feet of temporary disturbance for the placement of the PVC pipe plus another 1,360 square feet of temporary salt marsh disturbance for storage of dredged material equalling 2,720 square feet of temporary disturbance. The disturbed salt marsh was fully restored to grade and no other mitigation is being proposed; however the bay will be exposed to a decreased amount of nutrient loading and lower bacteria counts should be seen due to the improved septic system.

The work is described on the enclosed plans entitled "APPONAGANSETT BAY SEWER PROJECT," on 5 sheets, and dated "DECEMBER 5, 2008" and "FEBRUARY 12, 2009."

WATERWAY AND LOCATION OF THE WORK

This work is located in Apponagansett Bay along Fort, Lucy, and Wilson Streets, Dartmouth, Massachusetts. The proposed location on the quadrangle sheet Q249814 is at Latitude 41.5966°N Longitude 70.957°W.

AUTHORITY

Permits are required pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899

☒ Section 404 of the Clean Water Act

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact 2,720 square feet of Essential Fish Habitat (EFH) for Atlantic cod (eggs, larvae, juveniles, adults), haddock (eggs, larvae), red hake (larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), American plaice (juveniles, adults), Atlantic sea herring (juveniles, adults), bluefish (juveniles, adults), long finned squid (juveniles, adults), Atlantic butterfish (eggs, larvae, juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), summer flounder (eggs, larvae, juveniles, adults), scup (eggs, larvae, juveniles, adults), black sea bass (larvae, juveniles, adults), surf clam (juveniles, adults), king mackerel (eggs, larvae, juveniles, adults), Spanish mackerel (eggs, larvae, juveniles, adults), cobia (eggs, larvae, juveniles, adults), sandbar shark (adults), bluefin tuna (juveniles). This habitat consists of salt marsh. Loss of this habitat may adversely affect the species that utilize this aquatic area. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Richard Kristoff at (978) 318-8171, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

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For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

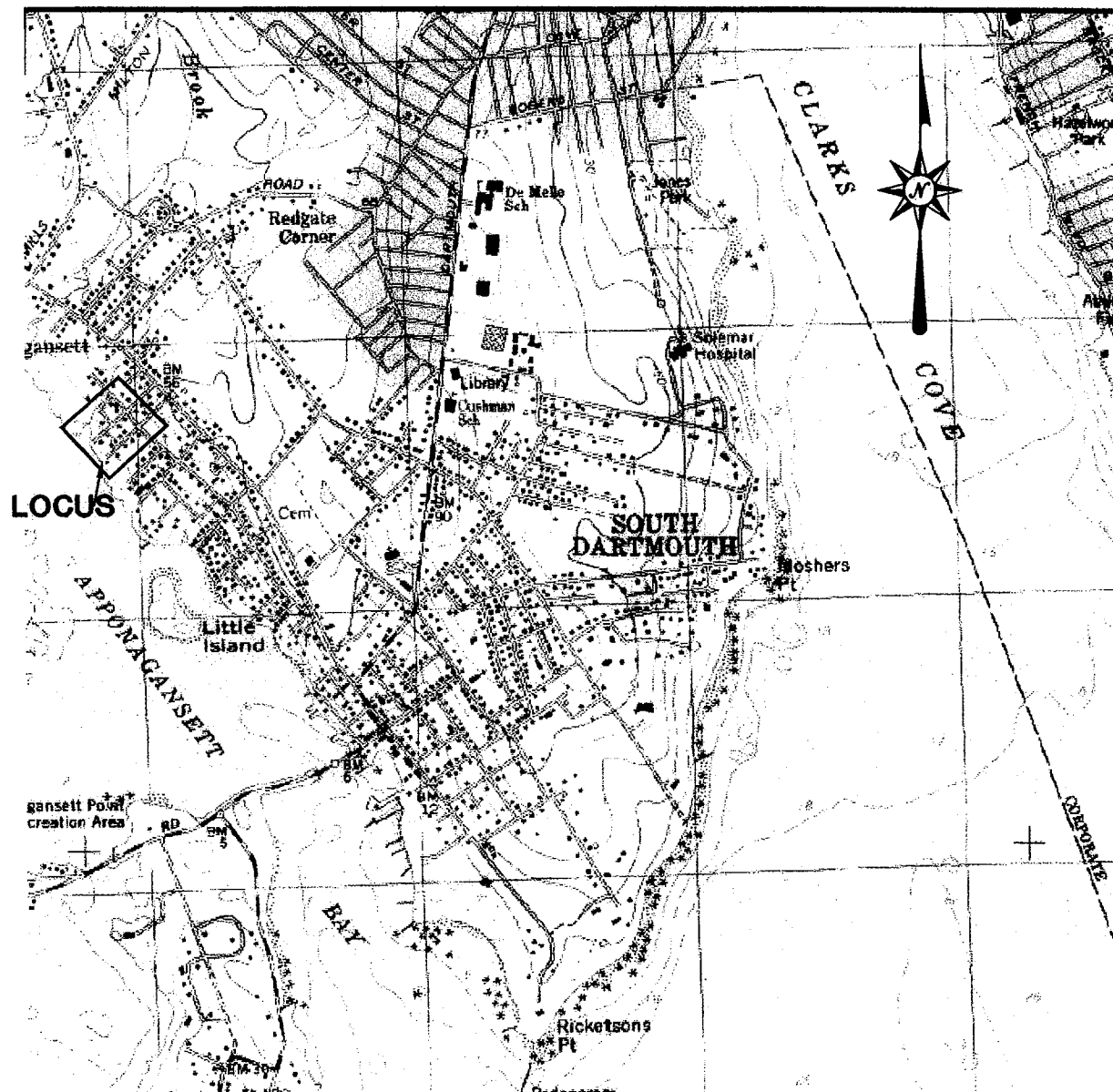
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen Kirk Adams
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____



0' 2000 4000



1:24000

SOURCE - U.S.G.S. QUADRANGLE
STATE OF MASSACHUSETTS
BRISTOL COUNTY
NEW BEDFORD SOUTH
249814

PURPOSE: WASTEWATER TREATMENT
DATUM NGVD 1929

TOWN OF DARTMOUTH
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

759 RUSSELLS MILLS RD. SO. DARTMOUTH, MA.

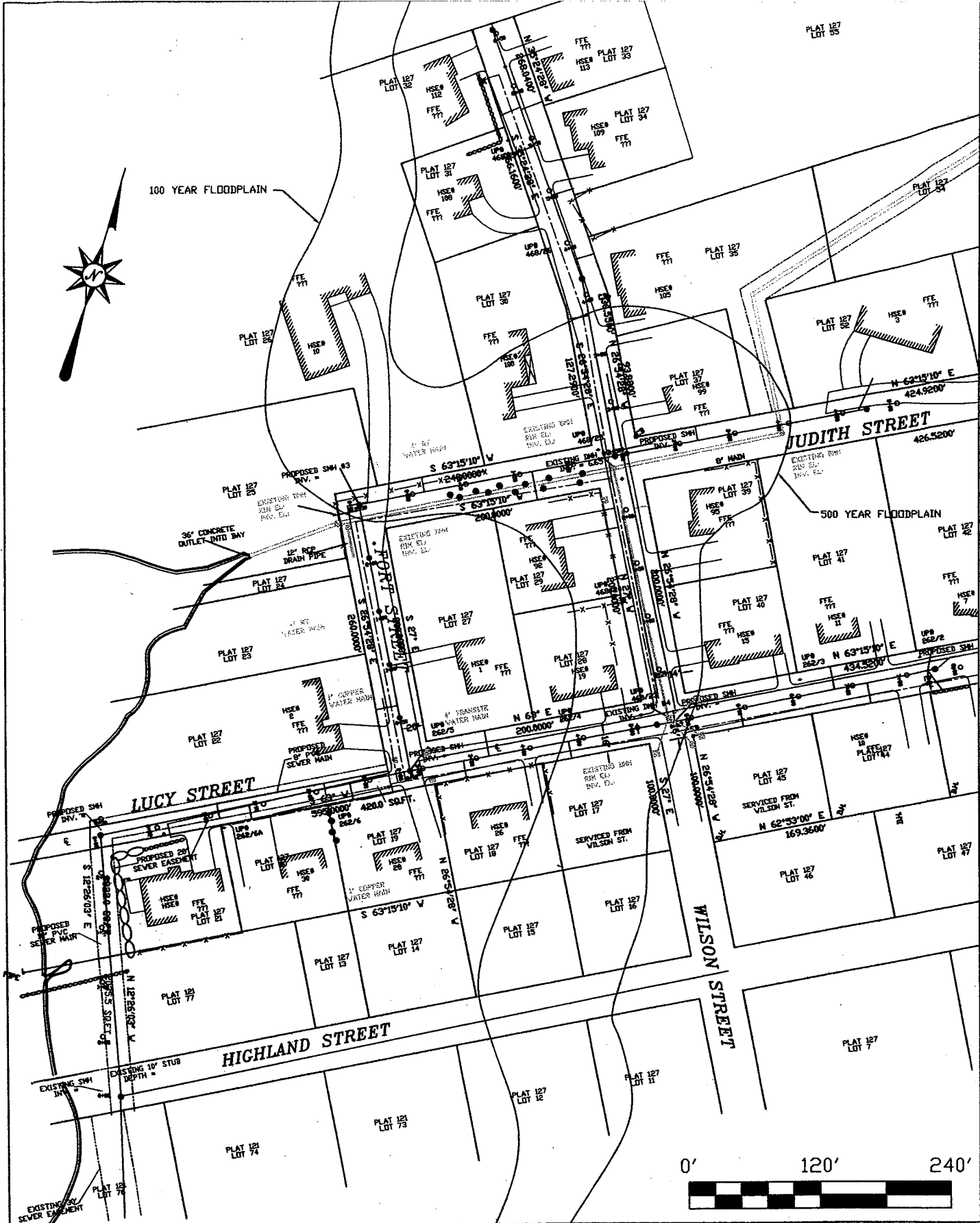
TEL - 508-999-0740

FAX - 508-999-0762

VACINITY MAP

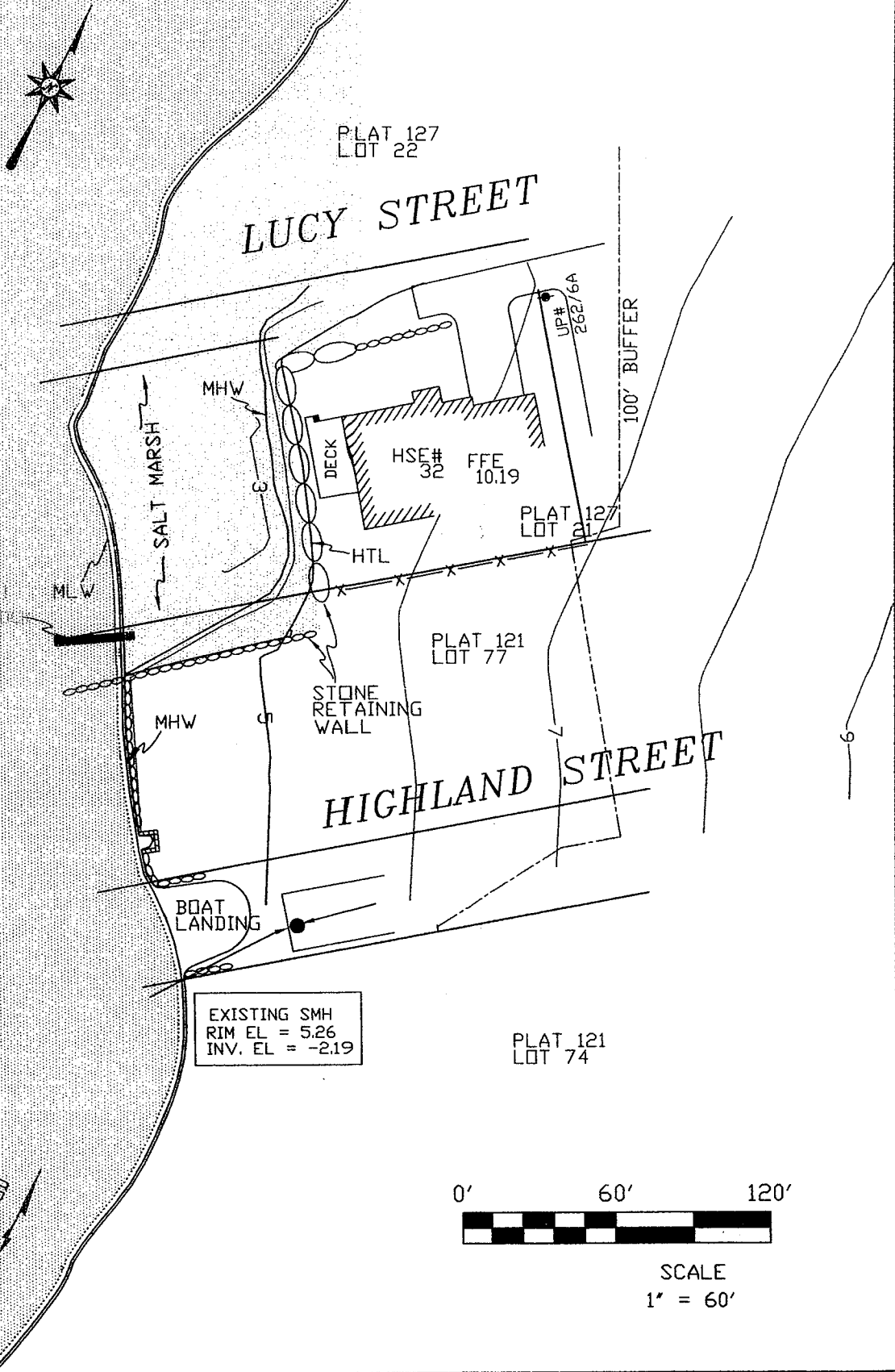
LATITUDE 41.5966 N
LONGITUDE 70.967 W

APPONAGANSETT BAY SEWER PROJECT
SALT MARSH CROSSING
ADJACENT TO PADANARAM HARBOR
AT TOWN OF DARTMOUTH
BRISTOL COUNTY MASSACHUSETTS
APPLICATION BY THE TOWN OF DARTMOUTH DPW
SHEET 1 OF 5 DATE: DECEMBER 5, 2008
REVISED - FEBRUARY 12, 2009

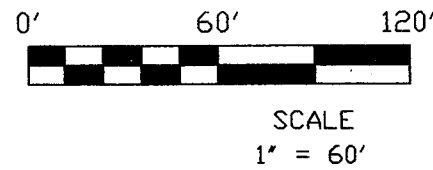


<p>PURPOSE: WASTEWATER TREATMENT DATUM: NAD 1929</p> <p>TOWN OF DARTMOUTH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION</p> <p>759 RUSSELLS MILLS RD. SO. DARTMOUTH, MA. TEL - 508-999-0740 FAX - 508-999-0762</p>	<p>PROPOSED SEWER PLAN</p>	<p>APPOGANSETT BAY SEWER PROJECT SALT MARSH CROSSING ADJACENT TO PADANARAM HARBOR AT-TOWN OF DARTMOUTH BRISTOL COUNTY MASSACHUSETTS APPLICATION BY THE TOWN OF DARTMOUTH DPW SHEET 2 OF 5 DATE: DECEMBER 8, 2008</p>
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APPONAGANSETT BAY



EXISTING SMH
RIM EL = 5.26
INV. EL = -2.19



PURPOSE: WASTEWATER TREATMENT
DATUM NGVD 1929

TOWN OF DARTMOUTH
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

759 RUSSELLS MILLS RD.

SO. DARTMOUTH, MA.

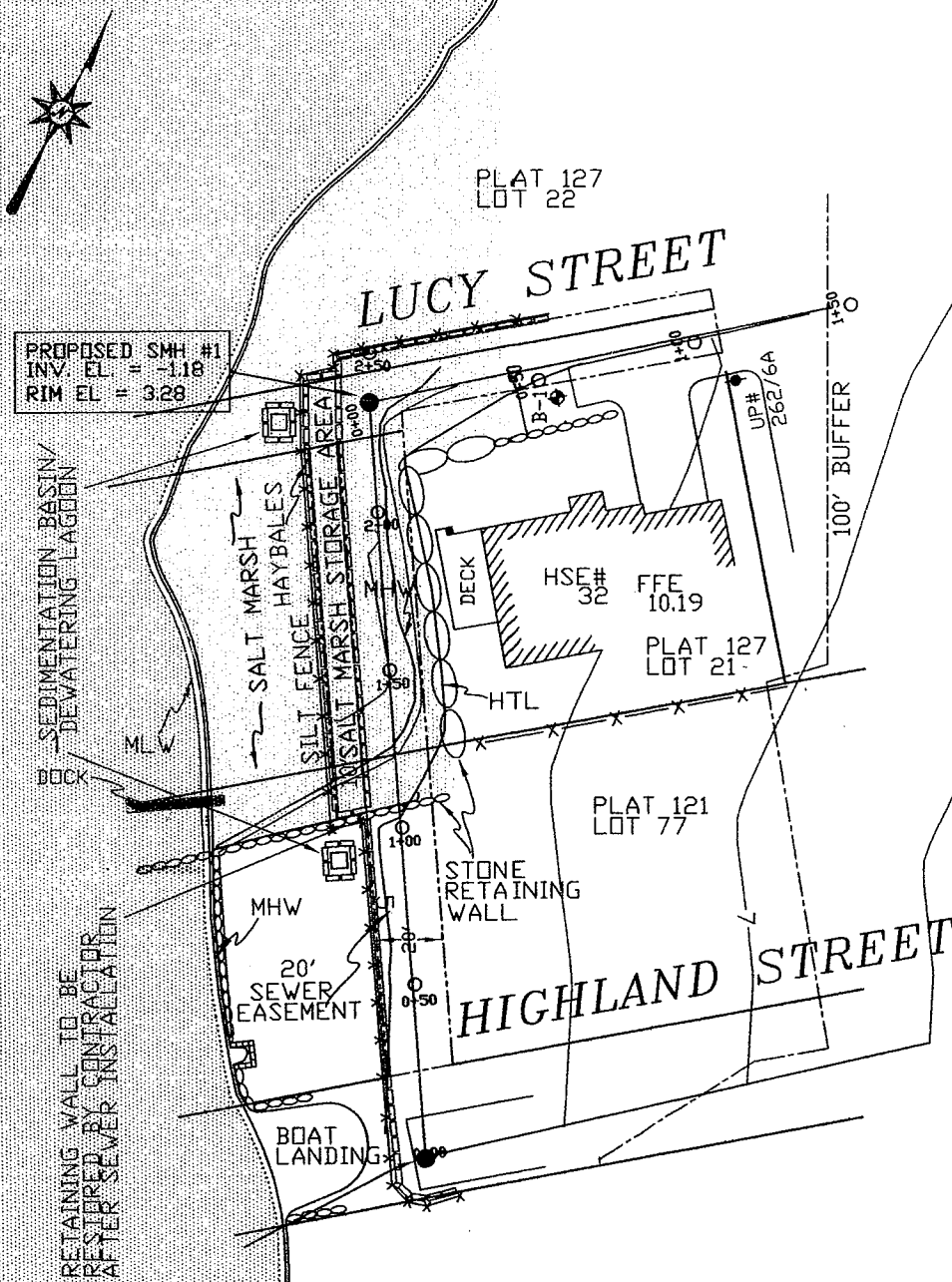
TEL - 508-999-0740

FAX - 508-999-0762

EXISTING CONDITIONS PLAN

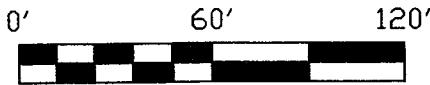
APPONAGANSETT BAY SEWER PROJECT
SALT MARSH CROSSING
ADJACENT TO PADANARAM HARBOR
AT TOWN OF DARTMOUTH
BRISTOL COUNTY MASSACHUSETTS
APPLICATION BY THE TOWN OF DARTMOUTH DPW
SHEET 1 OF 5 DATE: DECEMBER 5, 2008
REVISED: FEBRUARY 12, 2009

APPONAGANSETT BAY



PROPOSED SMH #1
INV. EL = -1.18
RIM EL = 3.28

EXISTING SMH
RIM EL = 5.26
INV. EL = -2.19



SCALE
1" = 60'

PURPOSE: WASTEWATER TREATMENT
DATUM NGVD 1929

TOWN OF DARTMOUTH
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

759 RUSSELLS MILLS RD.

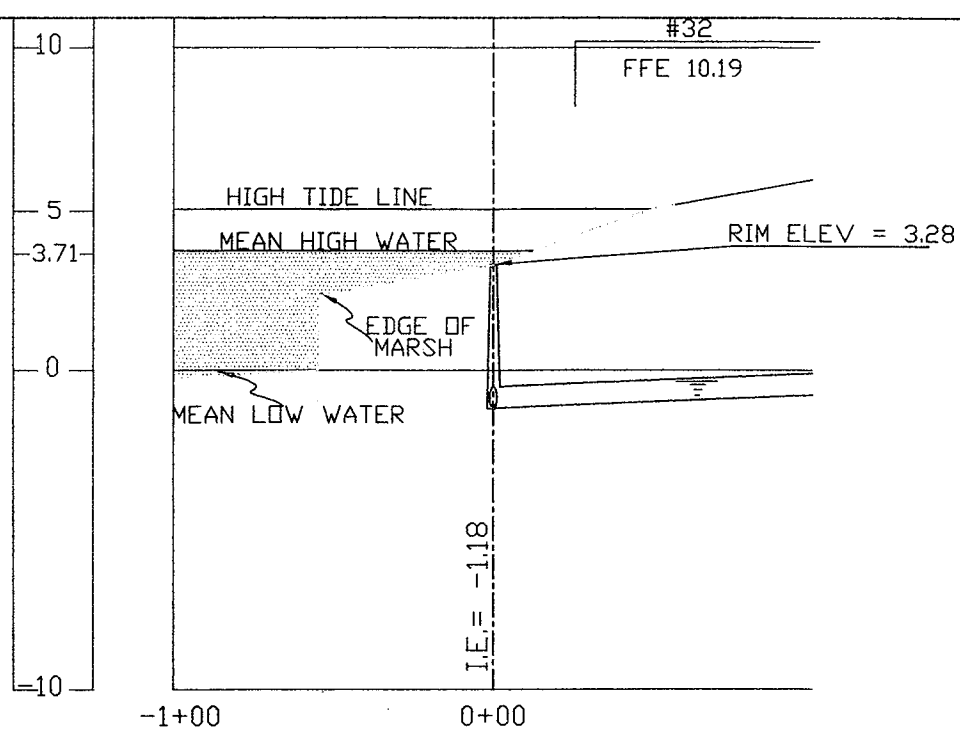
SO. DARTMOUTH, MA.

TEL - 508-999-0740

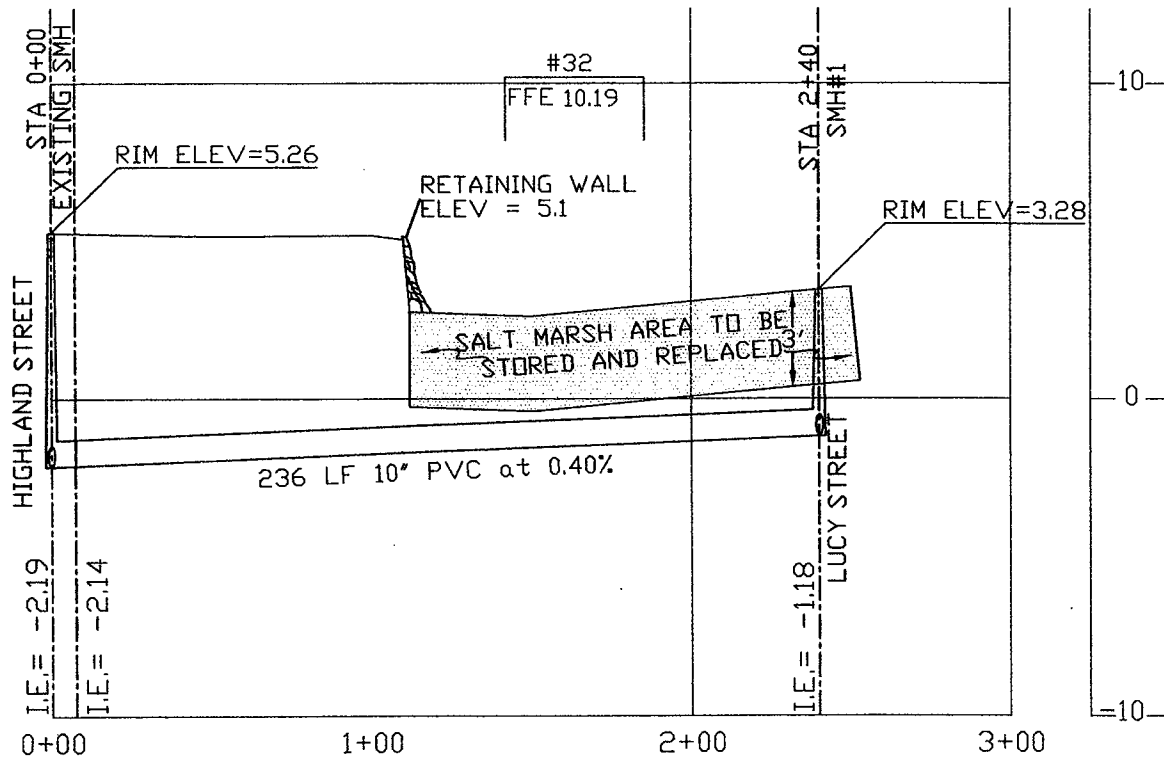
FAX - 508-999-0762

PROPOSED SEWER PLAN

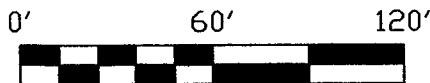
APPONAGANSETT BAY SEWER PROJECT
SALT MARSH CROSSING
ADJACENT TO PADANARAM HARBOR
AT TOWN OF DARTMOUTH
BRISTOL COUNTY MASSACHUSETTS
APPLICATION BY THE TOWN OF DARTMOUTH DPW
SHEET 1 OF 5 DATE: DECEMBER 6, 2008
REVISED - FEBRUARY 12, 2009



LUCY STREET PROFILE



LUCY STREET EASEMENT



SCALE
HORIZ. 1" = 60'
VERT. 1" = 6'

PURPOSE: WASTEWATER TREATMENT
DATUM NGVD 1929

TOWN OF DARTMOUTH
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

759 RUSSELLS MILLS RD.

SO. DARTMOUTH, MA.

TEL - 508-999-0740

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**PROPOSED
SEWER
PROFILE**

APPONAGANSETT BAY SEWER PROJECT
SALT MARSH CROSSING
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AT TOWN OF DARTMOUTH
BRISTOL COUNTY MASSACHUSETTS
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